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19 Attorneys for Defendants  
 20 CONSECO, INC. and CONSECO LIFE INSURANCE COMPANY

21 UNITED STATES DISTRICT COURT  
 22 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 23 SAN FRANCISCO DIVISION

24 CEDRIC BRADY, DR. CHARLES	)	CASE NO.: 3:08-CV-05746-SI
25 HOVDEN, MARION HOVDEN, DR.	)	
26 EUGENE KREPS, DR. JOHN McNAMARA,	)	
27 DR. HISAJI SAKAI, and JEAN SAKAI,	)	<b>STIPULATION AND PROPOSED</b>
28 Individually and On Behalf Of All Others	)	<b>ORDER EXTENDING TIME TO</b>
Similarly Situated,	)	<b>ANSWER, MOVE, OR OTHERWISE</b>
	)	<b>RESPOND TO THE AMENDED</b>
Plaintiffs,	)	<b>COMPLAINT</b>

29 v.  
 30 CONSECO, INC. and CONSECO LIFE  
 31 INSURANCE COMPANY,  
 32 Defendants.

1 WHEREAS on December 24, 2008, plaintiffs Cedric Brady, Dr. Charles Hovden,  
2 Marion Hovden, Dr. Eugene Kreps, Dr. John McNamara, Dr. Hisaji Sakai, and Jean Sakai (the  
3 "Plaintiffs") filed a Complaint against defendants Consecro, Inc. and Consecro Life Insurance  
4 Company (the "Defendants," referred to collectively with the Plaintiffs as the "Parties"), in the San  
5 Francisco Division of the United States District Court for the Northern District of California (the  
6 "Complaint"). On January 9, 2009, Plaintiffs served a summons and Complaint on each of the  
7 Defendants;

8 WHEREAS on March 6, 2009, the Defendants filed a motion to dismiss the  
9 Complaint (Docket No. 32);

10 WHEREAS pursuant to stipulation and the Court's Order, Plaintiffs' response to the  
11 motion to dismiss was due on or before April 24, 2009 (Docket No. 49). On April 23, 2009, the  
12 Plaintiffs filed with the Court an Amended Complaint (Docket No. 51);

13 WHEREAS the Defendants hereby withdraw their motion to dismiss in light of the  
14 filing of the Amended Complaint;

15 WHEREAS Defendants have requested and Plaintiffs have agreed to extend the date  
16 by which Defendants shall be required to answer, move or otherwise respond to the Amended  
17 Complaint to and including May 29, 2009;

18 IT IS THEREFORE STIPULATED AND AGREED, by and between the  
19 undersigned, that, subject to this Court's approval, Defendants shall have to and including May 29,  
20 2009, within which to answer, move, or otherwise respond to the Amended Complaint.

1  
2  
3 DATED: April 24, 2009

Millstein & Associates

4 By: /s/ David J. Millstein  
5 David J. Millstein  
6 Attorneys for Plaintiffs

7 DATED: April 24, 2009

Gilbert Oshinsky LLP

8 By: /s/ August J. Matteis, Jr.  
9 August J. Matteis, Jr.  
10 Attorneys for Plaintiffs

11 DATED: April 24, 2009

Skadden, Arps, Slate, Meagher & Flom LLP

12 By: /s/ David S. Clancy  
13 Raoul D. Kennedy  
14 James R. Carroll (Admitted *Pro Hac Vice*)  
15 David S. Clancy (Admitted *Pro Hac Vice*)  
16 Cale P. Keable (Admitted *Pro Hac Vice*)  
17 Attorneys for Defendants  
18 Consecro, Inc. and Consecro Life Insurance Company

19 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

20 I, David S. Clancy, am the ECF User whose ID and password are being used to file  
21 this Stipulation And Proposed Order Extending Time To Answer, Move, Or Otherwise Respond  
22 To The Amended Complaint. In compliance with General Order 45.X.B, I hereby attest that  
23 concurrence in the filing of this document has been obtained from each of the other signatories. I  
24 declare under penalty of perjury under the laws of the United States of America that the foregoing  
25 is true and correct.

26 Executed this 24th day of April 2009, at New York, New York.

27 By: /s/ David S. Clancy  
28 David S. Clancy

PURSUANT TO STIPULATION IT IS SO ORDERED,

Dated:

By:   
Hon. Susan Illston